

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

VAUGHN SCOTT, NIGERIA SCOTT,
PRINCE SCOTT, ANDREE HARRIS,
BRENDA SCOTT, KRAIG UTLEY, COREY MARROW,
AS A MINOR CHILD, K.M., A MINOR CHILD,
AND JULIAN RENE,

Plaintiffs,

-against-

14-CV-4441(SHS)

CITY OF MOUNT VERNON, ET AL.,

Defendants.

- - - - - X

HELD AT: Office of Corporation Counsel
1 Roosevelt Square
Mount Vernon, New York 10550
December 2, 2015
2:38 p.m.

Examination before Trial of the
Plaintiff, JULIAN RENE, pursuant to Court
Order, held at the above time and place
before a Notary Public of the State of New
York.

J & L REPORTING SERVICE
of Westchester, Inc.
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Lisa Dobbo, Reporter

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Of Counsel

1
2 break, just say you need a break but if I
3 have a question that I'm asking you I'd
4 appreciate if you answer the question first
5 and then you can take a break. If you need
6 to speak with your attorney, same thing,
7 just let me ask the question, you finish
8 your answer to my question and then you can
9 speak with your attorney.

10 Is there anything that would prohibit
11 you from giving truthful testimony today?

12 A. No.

13 Q. You haven't been on any
14 alcohol, medication, drugs or anything of
15 that nature?

16 A. No.

17 Q. I hope I don't keep you long
18 and I thank you for coming in on a timely
19 basis.

20 A. No problem.

21 Q. I understand you were shot on
22 March 20th, 2013; is that correct?

23 THE WITNESS: On March 20th,

24 '13?

25 MR. WISHAM: Yes.

1 THE WITNESS: That was the date
2 of the incident?

3 MR. WISHAM: Yes.

4 A. Actually, I was grazed, not
5 actually shot.

6 Q. What is the difference between
7 being shot and grazed?

8 A. Grazed is when the incident
9 happened basically like the bullet hit the
10 floor and ricochets up, so I guess the
11 impact of hitting the floor and bounces up I
12 guess it just like tapped me like but it was
13 like a little flush like nothing went in
14 because I didn't go to the hospital.

15 Q. You recall the day that you
16 were grazed with the bullet then; correct?

17 A. Correct.

18 Q. March 20th, 2013; correct?

19 A. Yes.

20 Q. Where did the shooting take
21 place?

22 A. Where did the shooting take
23 place? I want to say on 240 -- I believe
24 that's the projects. I'm not too sure.
25

1
2 It's basically in between 9th and 7th.

3 Q. Would that be S. 9th Avenue?

4 A. Yeah, basically.

5 Q. Near 3rd Street?

6 A. Yeah.

7 Q. Shots were fired; correct?

8 A. Correct.

9 Q. Do you recall how many shots
10 were fired?

11 A. I can't put a number but I know
12 multiple.

13 Q. Multiple shots?

14 A. Yes.

15 Q. Did anyone get shot directly?

16 A. No.

17 Q. Did anybody else get grazed by
18 the bullet?

19 A. No.

20 Q. What were you doing in this
21 area at the time the shots were being fired?

22 A. What was I doing? Me and Kraig
23 was going to the store -- came from the
24 store. After we left the store we was
25 walking down towards 9th going up towards

1
2 3rd Street and that's when we heard shots,
3 whatever, and then I just turned around and
4 start running back up towards 9th.

5 Q. Is that area you talked about
6 that you described earlier, is that near the
7 projects?

8 A. Yeah.

9 Q. Would that be Ebony Gardens?

10 A. Yeah.

11 Q. You were with Kraig Utley?

12 A. Yes.

13 Q. What about Corey, were you with
14 Corey Marrow?

15 A. I didn't meet up with Corey
16 until actually the spur of the moment we
17 seen the van driving down 9th and we flagged
18 him down, got in the van and left and went
19 to his house on 2nd.

20 Q. You indicated that you and
21 Kraig Utley had gone into some store?

22 A. Yeah.

23 Q. What type of store?

24 A. Convenient store, little corner
25 store right there.

1 he was wearing.

2 Q. What about Corey Marrow, do you
3 recall what he was wearing on March 20th,
4 2013 during the time these shots were fired?

5 A. No.

6 Q. Do you recall anybody wearing a
7 red hoody?

8 A. When I looked back, only thing
9 I saw was someone running, basically running
10 across from like the projects to Ebony
11 Gardens building in like one of them side
12 doors. I didn't really get a chance to see
13 his face. I seen him running in. Besides
14 everybody else that was around in that area
15 everybody was getting down and all that.
16 The first person when I seen was basically
17 standing up like running trying to get away
18 from the scene. That's what it looked like
19 to me.

20 Q. Was this person a male that was
21 running with the red hoody?

22 A. I'm pretty sure it was a guy.

23 Q. Did you get a good glance of
24 him?
25

1
2 A. I just seen his whole body
3 posture.

4 Q. But he had a red hoody?

5 A. Yeah.

6 Q. What time was that, do you
7 know?

8 A. I would say no earlier, no
9 later than probably like 3:00, 3:30, 4:00.

10 Q. P.M.?

11 A. P.M., yeah.

12 Q. You and Kraig Utley were
13 running and you got into Corey Marrow's van?

14 A. Yes.

15 Q. Corey Marrow was driving a
16 white van?

17 A. Right.

18 Q. Was that his van?

19 A. Yes.

20 Q. Where did you go, where did the
21 three of you go once you and Kraig Utley got
22 into Corey Marrow's van, where did you go?

23 A. We seen him, we flagged him
24 down on 9th and 3rd Street. He kept going
25 straight down 9th going towards 4th Street

1
2 and then once he made the left on 9th and
3 4th he went up 4th Street because his house
4 is right there on 2nd Avenue and 4th Street.

5 Q. When you say his house, is that
6 328 S. 2nd Avenue?

7 A. Yes.

8 Q. So, you're at 328 S. 2nd Avenue
9 after the shooting; correct?

10 A. Yes.

11 Q. Was there any damage done to
12 that vehicle that you're aware of?

13 A. Not that I would know of. I
14 mean nothing was damaged as far as when we
15 -- on our way there, when we got there I
16 can't speak what happened to the van. Once
17 we got in the house, I don't know.

18 Q. Did you ever take a look at the
19 van that day?

20 A. No, because after everything
21 was overwhelmed, we were in the house for
22 like six, seven, eight hours, I was just
23 like shaky like, you know, like I got grazed
24 and I got shot actually before in 2012 so
25 I'm like, I was like shaken up a little bit

1
2 like.

3 Q. You were shot before in 2012?

4 A. Yes.

5 Q. When in 2012, what month we
6 talking?

7 A. August.

8 Q. August 2012?

9 A. Yeah.

10 Q. Where did this shooting take
11 place?

12 A. It was -- I was walking from my
13 Godmother's. It was her birthday. As a
14 matter of fact, this happened July 29th, the
15 day of her birthday. July 29th was the
16 night we left, we went to my friend's home
17 and shots was fired and three people got
18 shot.

19 Q. Who got shot?

20 A. Me and two other friends.

21 Q. Do you know their names?

22 A. No, I don't know nobody like
+23 that, like I think one of them was Caisson,
24 other guy named Jim. I don't know their
25 last names.

1

Q. Caisson you said?

2

A. Yeah.

3

4

Q. August 2012 you weren't grazed
with a bullet, you actually got shot?

5

A. Yeah.

6

7

Q. Where did you get shot, what
part of your body?

8

9

A. I want to say behind my right
knee. It hit basically my cap and went
through my leg went in and out.

10

11

Q. How many bullets?

12

A. Just one.

13

14

Q. Did you receive medical
treatment?

15

A. Yeah.

16

17

Q. What hospital did you receive
medical treatment?

18

A. Sound Shore New Rochelle.

19

20

Q. That's here in Mount Vernon?

21

A. New Rochelle.

22

23

Q. And the shooting took place in
Mount Vernon?

24

A. Yes.

25

26

Q. Did they arrest the people who

1
2 A. Because for one they just
3 assumed something, they didn't go through
4 the right procedures of everything. They
5 tried to come to the house. They didn't
6 care about nobody's story. They past
7 through the threshold. I never seen nothing
8 like that before and, you know, like I felt
9 like me filing would put a stop to certain
10 things. At the end of the day no matter
11 what it is it's all how you do it. In my
12 book that's how I feel so I wasn't feeling
13 the whole situation. Like I said, I was
14 like stunned up about the whole situation.
15 There was a lot going on so I just was like
16 we all decided to stand for everything and
17 that's what we did, we all decided to just
18 file.

19 Q. How many officers arrived at
20 328 S. 2nd Avenue?

21 A. I want to say about -- there
22 was a lot. They had the whole house
23 flooded. I want to say pretty much about 15
24 or more.

25 Q. Did you know any officers, did

1
2 you recognize any of the officers that
3 entered your apartment?

4 A. Most of them.

5 Q. You knew Officer Allen, the
6 female officer?

7 A. Yeah, I knew her.

8 Q. How did you know her?

9 A. We used to go to school
10 together.

11 Q. What school was that?

12 A. Mount Vernon High School.

13 Q. Other than going to school with
14 Officer Allen, had you ever had any
15 subsequent contact with her prior to
16 3-20-2013?

17 A. No.

18 Q. What about Antonini, Officer
19 Antonini?

20 THE WITNESS: You're asking me
21 after that situation or before?

22 MR. WISHAM: We're going to
23 talk about before and after. Let's
24 talk about before.

25 A. No, we really had no run-ins

1
2 out of trouble you get an ACD. It was a
3 violation, so everything you probably
4 wouldn't see in the system because it's a
5 violation. I mean everything is documented
6 but you can see, though, you would be like
7 wow. Like the last year of whenever it
8 happened in March 2013 from now it's a trap
9 record.

10 Q. Let's go back to March 2013
11 when these officers entered your apartment.

12 Did you see them enter the apartment?

13 THE WITNESS: Did I see them
14 enter the apartment?

15 MR. WISHAM: Yes.

16 A. I didn't see them but we looked
17 out the window, somebody looked out the
18 window and we seen a whole bunch of cop cars
19 there and they came, I guess they knocked
20 but I was in Prince's room, a couple of us
21 were in Prince's room playing a game or
22 whatever. I believe his grandma answered
23 the door, if I'm not mistaken.

24 Q. Brenda Scott?

25 A. Brenda Scott, yeah, and I heard

A. A beer bottle.

Q. How did it get there?

A. I can't explain that to you. I don't know when that was there or when this picture was taken.

Q. And the last page?

A. Outside of the white Chevrolet van.

Q. Back or front?

A. Front.

Q. Does it show the license plate number?

A. Yes.

Q. And that's the van you were in?

A. Yes.

MR. WISHAM: Defendants E.

(Whereupon, Defendant's Exhibit E, Evidence - 4 pages, was marked for Identification.)

Q. I'll show Defendant's Exhibit E to counsel first and I'd like if you could take a look at it, Mr. Rene.

(Handed)

MR. WISHAM: I don't believe

there are any Bates numbers
associated with this, counsel.

Q. Do you recognize this exhibit
in front of you?

A. Yes.

Q. Let's start with Page 1.

It says "Evidence"?

A. Right.

Q. Mount Vernon Police Department?

A. Yes.

Q. It's got a date?

A. Yes.

Q. What is the date?

A. 3-20-13.

Q. It says victim.

A. Julian Rene.

Q. Were you the victim on
3-20-2013?

A. Yes.

Q. Let's go to the second page.
Can you identify the second page?

A. Yes, that's me.

Q. That's a photograph of you?

A. Yes.

MR. THOMPSON: Objection.

Q. The officers didn't use any physical force to pull your pants down; correct?

A. No.

Q. Now, what are we looking at?

MR. THOMPSON: Where?

Q. When you pulled your pants down, what else do you see?

A. I see my flesh wound right there.

Q. Is that the red spot?

A. Yes.

Q. That's a flesh wound?

A. Yeah.

Q. Or is that a tattoo?

A. Oh, no, that's a flesh wound. I was bleeding.

Q. You were bleeding?

A. Yes.

Q. You indicated earlier during this testimony that the bullet that was shot didn't penetrate you, it hit the ground; correct?

1
2 Q. What about Kevin Marrow, did
3 they ask him to pull his pants down?

4 A. Not that I recall.

5 Q. Prince Scott?

6 A. Not that I recall.

7 Q. Anybody else in the apartment?

8 A. Not that I recall.

9 Q. Do you know why they asked you
10 to pull your pants down?

11 A. I don't know.

12 Q. There were like nine different
13 people in this apartment; correct?

14 A. Right.

15 Q. Corey Marrow, Kevin Marrow,
16 Prince Scott, Nigeria Scott, Arabia Scott,
17 Julian Rene, Kraig Utley, Demetrius Roy
18 King, James Howell, Terrane Batson, Brenda
19 Scott, Andree Harris and Vaughn Scott;
20 correct, but you're the only person they
21 asked to pull their pants down?

22 A. They searched everybody. The
23 reason why they told me to when they were
24 searching me I was actually sore so I guess
25 they seen like blood so that made them say

1
2 take off your pants.

3 Q. So the police officers saw
4 blood?

5 A. Yeah, like yeah.

6 Q. What else did you see the
7 police officers do during this period of
8 time?

9 A. They was just like trying to
10 search the house, things like that. They
11 just tried to keep us all in the living room
12 why they searched around for whatever they
13 supposedly was looking for.

14 Q. Did they cause any damage to
15 the property during the time they were
16 there?

17 A. I mean the only thing they
18 caused as far as like I guess when they bum
19 rushed the door.

20 Q. What do you mean bum rushed?

21 A. Like forced their way in.

22 Q. They damaged the door by coming
23 in?

24 A. Yes.

25 Q. You saw that?

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A. Yes.

Q. What type of damage?

A. Like the door was off the hinges, couldn't close properly.

Q. Anything else?

A. Not that I could remember at this time.

Q. Were you injured as a result of the police officers action on 3-20-2013?

A. I'm not going to say physically, no, but mentally yes.

Q. How were you injured mentally?

A. I mean I didn't -- I was just so fed up with the situation and just felt like my rights got violated that I just was stunned over the whole thing, you know, I didn't even want to go to the hospital to even get -- like I just kind of like stayed in my own corner like sheltering myself basically.

Q. Are you sheltering yourself now?

MR. THOMPSON: Objection to form.